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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/556,834

11/15/2005

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08/19/2008

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EXAMINER

PATEL, KANJIBHAI B

ART UNIT

PAPER NUMBER

2624

MAIL DATE

DELIVERY MODE

08/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/556,834	Applicant(s) GOMILA ET AL.	
	Examiner Kanji Patel	Art Unit 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 7, 14, 15 and 18-20 is/are rejected.
- 7) ☒ Claim(s) 2-6, 8-13, 16, 17, 21 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/15/05, 5/18/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION***Information Disclosure Statement***

1. The information disclosure statement filed 05/18/2007 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because the strike out non patent documents do not provide date of publication. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Drawings

2. Drawings filed 11/15/2005 have been approved by the examiner.

Claim Objections

3. **Claims 9-10** are objected to because of the following informalities:

In claims 9-10, change "the message" to – a message--.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which

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said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 7, 14-15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gray et al. (US 5,641,596--IDS) (herein after Gray) in view of May (US 6,067,125).

For claim 1, Gray discloses a method for simulating film grain (see column 2, lines 6-8 supported by fig. 3) comprising the steps of:

receiving image information representative of an image from which film grain has been at-least attenuated (see column 6, lines 34-40);

receiving film grain information that includes at least one parameter among a set of possible parameters specifying different attributes of the film grain previously in the image (see. column 13, lines 1-8);

simulating the film grain in accordance with the at least one parameter; and merging the simulated film grain into the image (see column 6, lines 40-67 supported by fig. 3).

Gray however does not disclose: selecting a model for simulating grain; and simulating the film grain in accordance with the selected model;

In Gray, a statistics file is generated for the combination of film scanner and film type, which is selected for film grain generation, but which is predetermined by the combination. Film grain noise is generated using a random number generator and the statistics used are based upon the statistics file. No different models for simulation of grain is disclosed in Gray. May teaches in the background of the invention that Naderi provided a model for film grain noise. Naderi further proposed a filter for estimating and removing film grain noise from

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the still images as mentioned at column 1 line 65 to column 2 line 17. Therefore, it would have been obvious to one of ordinary skill in the art to include the use of the model as taught by May, into the method of Gray to achieve the claimed invention. As disclosed in Reference of May, the motivation for the combination would be to estimate and remove the film grain noise according to the model.

For claim 7, Gray discloses the method according to claim 1 wherein at least one parameter defines intensity of a random component of the film grain (column 1, lines 41-43; brightness levels provide intensity).

For claim 14, May discloses the method according to claim 1 wherein the set of selecting the model further comprises the step of selecting an additive grain model (column 1 line 65 to column 2 line 7; expression 1).

For claim 15, May discloses the method according to claim 1 wherein the set of selecting the model further comprises the step of selecting a multiplicative grain model (column 1 line 65 to column 2 line 7; expression 1).

Claim 18 is an apparatus claim, corresponding to the method claim 1 and having similar limitation, therefore this claim is rejected for the same reasons.

For claims 19-20, see the rejections of claims 14 and 15.

Allowable Subject Matter

5. **Claims 2-6, 8, 11-13, 16-17 and 21-22** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The prior art on record fails to disclose the set of parameters that includes a plurality of correlation parameters and a plurality of intensity-independent parameters as required by claim 2.

Claims 3-6 and 8, 11-13, depend directly or indirectly from the objected base claim 2 and therefore they are objected for the same reasons.

The prior art on record fails to teach or fairly suggest, the step of selecting a model that simulates the film grain by convolving a set of random numbers by a linear, time-invariant, digital-filter h defined in the form of: $h = (h_0, h_1, h_2, h_3, \dots, h_n)$ wherein the set of parameters includes filter coefficients as required by claims 16 and 21.

The prior art on record fails to teach or fairly suggest, the step of selecting the model further comprises the step of multiplying in the frequency domain by a Fourier Transform of an impulse response H and a Fourier Transform set of random numbers to yield a simulated grain result $Y(u)$ in accordance with the relationship $Y(u) = X(u) \cdot H(u)$ as required by claims 17 and 22.

Other prior art cited

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Morton (US 6,868,190 B1) discloses methods for automatically and semi-automatically transforming digital image data to provide a desired image look.

Morton et al. (US 7,092,016 B2) disclose a method and system for motion image digital processing.

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Contact Information

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kanji Patel whose telephone number is (571) 272-7454. The examiner can normally be reached on Monday to Thursday from 8 a.m. to 6:30 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehta, Bhavesh can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/ Kanji Patel/

Primary Examiner, Art Unit 2624

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